

RESPONSE TO COMMENTS DOCUMENT

CITY OF MILPITAS NORTH MAIN STREET DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT



STATE CLEARINGHOUSE No. 2004082131

LSA

December 2004

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CITY OF MILPITAS NORTH MAIN STREET DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE No. 2004082131

City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

Prepared by:
LSA Associates, Inc.
2215 Fifth Street
Berkeley, CA 94710
(510) 540-7331

LSA

December 2004

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I. INTRODUCTION

A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the City of Milpitas North Main Street Development Project (SCH# 2004082131) and, as necessary, to augment the information contained within the Draft EIR. The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comment (RTC) Document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to these comments or to amplify and clarify material in the Draft EIR. This RTC Document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

This document includes minor changes to the mitigation measures in the Draft EIR that were not included in the Response to Comments Document dated December 22, 2004.

B. ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

The City of Milpitas circulated a Notice of Preparation (NOP) that included a list of potential environmental effects that could result from the proposed project. The NOP was published and distributed to local, regional, and State agencies on July 8, 2004 and subsequently on August 30, 2004. Comments received by the City on the NOP were taken into account during the preparation of the EIR. Additionally, an agency scoping meeting regarding the scope of the EIR was held on July 16, 2004. No comments were received at this meeting.

The Draft EIR for the North Main Street Development (NMSD) Project was made available for public review on October 18, 2004 and distributed to applicable local and State agencies. Copies of the Notice of Availability of the Draft EIR (NOA) were mailed to all individuals previously requesting to be notified of the Draft EIR, in addition to those agencies and individuals who received a copy of the NOP. The NOA was published in the Milpitas Post on October 18, 2004, and posted around the project site.

A public comment session was held on October 28, 2004, Police Department Community Room 1275 North Milpitas Boulevard to receive comments related to the adequacy of the Draft EIR. No comments were received at this meeting.

The CEQA-mandated 45-day public comment period for the Draft EIR closed on December 1, 2004. Copies of all written comments received regarding the Draft EIR during the comment period are contained in Chapter III of this document.

C. DOCUMENT ORGANIZATION

This RTC Document and Final EIR consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this RTC Document and the Final EIR and summarizes the environmental review process for the project.
- *Chapter II: List of Commenting Agencies, Organizations and Individuals.* This chapter contains a list of agencies, organizations, and persons who submitted written comments or spoke at the public comment session on the Draft EIR during the public review period.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR as well as a summary of the comments made at the public comment session. A written response for each comment received during the public review period is provided. Each response is keyed to the preceding comment.
- *Chapter IV: Draft EIR Revisions.* Corrections to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Text in underline represents language that has been added to the EIR; text with ~~strikeout~~ has been deleted from the EIR. Revisions to figures are also provided, where appropriate.

II. LIST OF COMMENTING AGENICIES, ORGANIZATIONS AND INDIVIDUALS

The chapter presents a list of letters received during the public review period and describes the organization of the letters and comments that are included in Chapter III, Comments and Responses, of this document.

A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES

Chapter III includes a reproduction of each letter received on the Draft EIR. The written comments are grouped by the affiliation of the commentor, as follows: State agencies, local and regional agencies (A), and organizations (B).

The comment letters are numbered consecutively following the A, B, and C designations. The letters are annotated in the margin according to the following code:

State, Local and Regional Agencies:	A1-#
Organizations:	B1-#

The letters are numbered and comments within that letter are numbered consecutively after the hyphen.

B. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

The following comment letters were submitted to the College during the public review period.

State, Local and Regional Agency

A1	County of Santa Clara	November 2, 2004
A2	City of San Jose	November 29, 2004
A3	Santa Clara Valley Transportation Authority	November 17, 2004
A4	Santa Clara Valley Water District	November 24, 2004
A5	Department of Toxic Substance Control	November 30, 2004

Organizations

B1	Pacific Gas and Electric Company	November 24, 2004
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III. COMMENTS AND RESPONSES

Written responses to each comment letter received on the Draft EIR are provided in this chapter. Letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State agencies, local and regional agencies (A); and organizations (B).

A. STATE, LOCAL AND REGIONAL AGENCIES

County of Santa Clara

Roads and Airports Department
Land Development and Permits

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



November 2, 2004

Mr. Dennis Carrington
Planning Division
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Subject: Draft Environmental Impact Report (EIR) – North Main Street Development Project
Montague Expressway

Dear Mr. Carrington:

Your October 14, 2004 letter along with the subject Draft EIR has been reviewed. Our comments are as follows:

- 1) The subject Draft EIR does not include a discussion of traffic impacts on Montague Expressway due to the proposed project. This should be done. If there is no traffic impact on Montague Expressway, it should be so stated in the Draft EIR
- 2) On Page 11, in Table II, it is stated that historically the City has required development to pay its pro-rata share of improvement costs. It is recommended that the City require this development to pay its pro-rata share towards the County's Montague Expressway project.

Please call me at 408-573-2465 if you have any questions.

We thank you for the opportunity to review this matter.

Sincerely,

Ashok Vyas

cc: Mike McNeely, City Engineer, City of Milpitas
DEC, MFG, MA, WRL, file

LETTER A1

County of Santa Clara

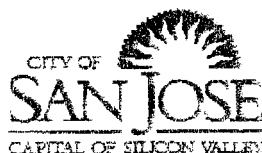
November 2, 2004

A1-1: Based on “*Transportation Impact Analysis Guidelines*,” Congestion Management Program, Santa Clara Valley Transportation Authority, an intersection shall be included in a TIA if it meets any one of the following requirements:

- The proposed development project is expected to add 10 or more peak hour vehicles per lane to any intersection movement.
- The intersection is adjacent to the project.
- Based on engineering judgment, Lead Agency staff determines that the intersection should be included in the analysis.

Based on the results of the analysis, the proposed NMSD project is not expected to add 10 or more peak hour vehicles per lane to any intersections along Montague Expressway.

A1-2: Please refer to Response to Comment A1-1.



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

November 29, 2004

Mr. Dennis Carrington, Project Planner
City of Milpitas, Planning Department
455 East Calaveras Blvd.
Milpitas, CA 95035

SUBJECT: Draft Environmental Impact Report for North Main Street Development Project (OA 04-10-022)

Dear Mr. Carrington:

The City of San Jose (CSJ) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for the proposed North Main Street Development Project located in the Midtown area of the City of Milpitas, generally bounded by Weller Lane, Union Pacific Railroad, Carlo Street and North Main Street. The project includes various components including library, senior housing, health center, retail, etc.

The CSJ has reviewed the Draft EIR for the project, and has the following comments. Specific questions regarding these comments may be directed to Geoff Blair, City of San Jose Environmental Services Department at (408) 382-8842.

San Jose/Santa Clara Water Pollution Control Plant (Plant) - Plant Odors

The subject property is a little more than 1.5 miles east of the Plant. The Plant can be a potential source of odors. We recommend that due to the proximity of the project to the Plant, its impact and mitigation measures be discussed and analyzed in the Draft EIR. Questions about potential odors can be addressed to Plant staff at (408) 945-5300.

1

Plant Hazardous Materials

The subject property lies within the Plant's emergency planning zone based on a computer model, worst-case release scenario of hazardous materials used at the Plant. The DEIR does not address this potential issue. Discussion of model results and other issues related to safety and chemical releases at the Plant can be found in the Plant's Risk Management Plan (RMP). Questions about possible releases and the RMP can also be addressed to Plant staff at (408) 945-5300.

2

Dennis Carrington
RE: Draft EIR for North Main Street Development Project (OA 04-10-022)
November 29, 2004
Page 2 of 2

The CSJ looks forward to reviewing the Final EIR when it becomes available for review. Please provide CSJ with a copy of the complete Final EIR, including all technical reports. Please send them to my attention.

Thank you again for the opportunity to review and comment on the Draft EIR for this project. If you need to contact me, you may reach me at (408) 277-4576.

Sincerely,



Janis Moore
Planner II

JAM/jam

C: Geoffrey Blair

OA04-10-022 DEIR Midptas N Main St Fict Ltr.doc/JAM

LETTER A2
City of San Jose
November 29, 2004

A2-1: In October 2003, City of Milpitas staff initiated discussions with stakeholders regarding odors affecting Milpitas residents. Participants included several potential odor sources located in San Jose, such as San Jose/Santa Clara Water Pollution Control Plant, BFI's Newby Island Landfill, Recyclery, and Compost Facility, Zanker Road Landfill and Materials Recovery sites, Calpine's Los Esteros Power Plant, and other nearby sources such as Cargill Salt Ponds, U.S. Fish and Wildlife Service Ponds. Two regulatory agencies, Bay Area Air Quality Management District (BAAQMD) and City of San Jose Local Enforcement Agency (LEA) also participated.

The purpose of these discussions were to improve communications and reduce odor episodes to the maximum extent practicable. The City of Milpitas recognizes that several of these nearby operations involve organic materials and complete odor elimination is not possible.

Stakeholders met several times and developed an Odor Action Plan to minimize impacts at the odor source. The Action Plan is on file with the City of Milpitas. The Action Plan identifies the odor complaint process, potential odor sources and their best management practices, roles of the regulatory agencies, and possible future actions if effective odor control is not achieved. The continued implementation of this plan should ensure that no significant odor impacts to future project residents occur. Additionally, Mitigation Measure NOISE-3 requires the installation of mechanical ventilation in all residential units. The ventilation systems will allow residents to keep windows closed in the event odor levels rise in the area.

Bay Area Air Quality Management District (BAAQMD) implemented a rapid notification system so stakeholders would be immediately notified of all complaints. Stakeholders review and modify their current operations as necessary to immediately reduce odor episodes. Some stakeholders have also employed permanent process modifications to more effectively control odors, such as installing weather stations to identify wind velocity and direction, non-mechanical back-ups, on-site relocation of processes, perform specific operations during favorable wind direction only, and use odor neutralizers.

A2-2: The commentor states that the San Jose/Santa Clara Water Pollution Control Plant (Plant) is located approximately 1.5 miles west of the proposed project, within the Plant's emergency planning zone. Due to the quantities of liquid chlorine and liquid sulfur dioxide stored at the Plant, the facility is regulated under the California Accidental Release Prevention (CalARP) program, which incorporates State and

Federal chemical risk management program requirements.¹ The CalARP program requires the evaluation of the potential effects of a worst-case hazardous materials release; in the case of the Plant, a worst-case release could potentially affect workers and residents 5.7 miles from the plant, depending on wind conditions.² In accordance with other requirements of the CalARP program, a Risk Management Plan (RMP) for the plant was prepared, which includes engineering controls and emergency response actions to protect area workers and residents from chemical releases from the Plant. The proposed project will not impair the implementation of or interfere with these emergency response procedures or other aspects of the RMP; therefore, no significant public health and safety impact would occur as a result of project implementation.

¹ These State and federal requirements include: Chapter 6.95, Article 2 of the California Health & Safety Code, Sections 25531 through 25543.3; Federal Accidental Release Prevention Program (aka Risk Management Program) information including applicable Federal Registers, updates and the Clean Air Act, Section 112(r); and Title 40 of the Code of Federal Regulations Part 68 (68.1 - 68.220).

² Provenzano, Jeff, 2004, Sanitary Engineer, San Jose/Santa Clara Water Pollution Control Plant, City of San Jose, communication with Todd Taylor of BASELINE, December 8.



November 17, 2004

City of Milpitas
Planning Department
455 E. Calaveras Blvd.
Milpitas, CA 95035

Attention: Dennis Carrington

Subject: North Main Street Development Project

Dear Mr. Carrington:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for construction of a new library, 110-unit senior housing project, 60,000-square foot Valley Health Center clinic, and various parking, circulation, streetscape improvements along main Street and generally bounded by the Union Pacific yard, Carlos Street, Abel Street, and Weller Lane. We have the following comments.

Land Use

Considering the site's proximity to a future BART station at South Calaveras Boulevard, VTA encourages the City to achieve higher densities at this site. The Draft Environmental Impact Report acknowledges that both the Milpitas General Plan and the Milpitas Midtown Specific Plan designate the project site as Mixed-Use with a Transit-Oriented Development (TOD) Overlay Zone. VTA encourages the City to satisfy the special density requirements designated by these two plans.

1

Development Design

VTA's *Community Design & Transportation (CDT) Guidelines* should be used when designing this development. This document provides guidance on site planning, building design, street design, preferred pedestrian environment, intersection design and parking requirements. The *CDT Guidelines* are available upon request to any agency staff. For more information on *CDT Guidelines*, please call Chris Augenstein of the CMP at 408-321-5725.

2

City of Milpitas
November 17, 2004
Page 2

Bicycle Parking

Based on the VTA Bicycle Technical Guideline: it is recommended that 41 Class II bike parking spaces (i.e. racks) be provided for the library, as well as 1 Class I bike parking space (i.e. locker or secured storage) per 30 library employees. Six Class I and Six Class II bike parking spaces should be provided for the senior housing complex. Also, 4 Class I and 5 Class II bike parking spaces should be provided for the Health Center. Class II bike parking spaces should be installed within 50 feet of the main public entrances. The Bicycle Technical Guidelines may be downloaded from www.vta.org/news/vtacmp/Bikes/ (Adobe Reader is required.).

3

Transportation Demand Management

The study identifies measures to reduce near-term impacts to the transportation system by the project to a less than significant level. However, the study does identify several roadway segments in the project area that would "operate at unacceptable levels" by 2015. The study goes on to say that feasible measures beyond those identified for the near-term impacts do not exist because the "roadways are already built out and cannot be widened within the existing right-of-way." These circumstances and the mixed-use nature of the proposed development support the implementation of a transportation demand management (TDM) program to help reduce the generation of single-occupant vehicle trips that are generated. Providing bicycle parking as previously noted is one measure that could lead to the reduction of single-occupant vehicle trips. Other effective TDM measures include:

- Parking Cash-Out
- Direct or Indirect Payments for Taking Alternate Modes
- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking
- Showers and Clothes Lockers for Bicycle Commuters
- On-site or Walk-Accessible Employee Services (day-care, dry-cleaning, fitness, banking, convenience store)
- On-site or Walk-Accessible Restaurants
- Guaranteed Ride Home Program

4

VTA encourages the incorporation of some of the above elements into the proposed development. Just as roadway improvements address vehicular capacity constraints to the project, the above elements help to address vehicular demand burdens of the project.

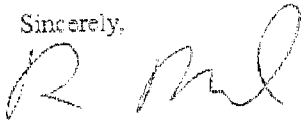
City of Milpitas
November 17, 2004
Page 3

Bus Service

VTA operates bus service on North Main Street and Weller Lane and maintains several bus stops adjacent to the proposed project. We recommend that the City and VTA staff should discuss bus stop locations and amenities all along the Main /street corridor because there are a number of development plans along this corridor.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

RM:kh

cc: Mike Tasosa, VTA
Samantha Swan, VTA

LETTER A3

Santa Clara Valley Transportation Authority

November 17, 2004

- A3-1: A senior housing residential component is a part of the NMSD Project. Currently, it is anticipated that up to 110 senior housing units would be located on a lot that is approximately 1.15 acres. This level of density is consistent with the increased residential density outlined in the Milpitas Midtown Specific Plan.
- A3-2: This comment does not address the adequacy of the EIR. The City will utilize the CDT Guidelines as is appropriate during the design development phase of each specific project proposed under the NMSD Project.
- A3-3: At the time the Draft EIR was published, no specific details as to streetscape or parking improvements, including bicycle parking, had been determined. Bicycle parking spaces will be included in the final site plan, and VTA Bicycle Technical Guidelines will be incorporated, as appropriate.
- A3-4: The City acknowledges that the implementation of TDM measures minimize increases in traffic. However, as it is difficult to quantify the affect of such measures, they have not been required as a CEQA mitigation measure. As the individual projects proposed as part of the NMSD project develop, the City will consider project specific TDM measures as appropriate.
- A3-5: City staff will consult with VTA about stop locations and amenities along North Main Street.



5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

File: 30369
Berryessa Creek

November 24, 2004

Mr. Dennis Carrington
Planning Department
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

Subject: Draft Environmental Impact Report—North Main Street Development
SCH. No. 2004082131

Dear Mr. Carrington:

The Santa Clara Valley Water District (District) has reviewed the draft Environmental Impact Report (EIR) related to the North Main Street Development with the following project components:

- City of Milpitas Community Library Project
- Mid-Peninsula Housing Coalition Senior Housing Project
- Santa Clara County Health Center Project
- Retail, Banquet, and Meeting Space
- Parking, Streetscape, and Circulation Improvements

We can offer the following comments:

Chapter IV, Section F.1.b, Page 129

Reference is made to the western portion of the project site and the expected rainfall absorbed by site soil and percolation to groundwater. Changes in land use that create increased impervious surfaces are an ongoing concern to the District with respect to protecting downstream facilities from adverse water quality and quantity impacts. This item was identified in the EIR as having a "significant" impact and proposed mitigation measures were outlined; however, mitigation for an increased runoff should include site design measures to reduce impervious areas and the amount of runoff from developed areas of the site.

1

The report made reference to the Midtown Milpitas Specific Plan that include the widening of the Ford Creek and adding higher capacity outfalls at Railroad Avenue and Calaveras Boulevard, and constructing additional storm drainage pipes at Abel Street. However, the document also notes that these improvements would not help regulate localized flooding since primary capacity issues have been identified upstream of the project site. Clarification should be made to these improvements and their purpose since widening of the creek and constructing higher capacity outfalls could impact existing flows, waste transportation, sediment loading, and erosion.

2

Mr. Dennis Carrington
Page 2
November 24, 2004

Chapter IV, Section F.1.c, Page 130

Reference is made to overtopping of banks from creeks to the east. Please identify the creeks.

3

Chapter IV, Section F.1.d, Page 130

The report should note that water resources in the County of Santa Clara are managed by the District.

4

Chapter IV, Section F.1.d(2), Page 134

Reference to the groundwater table rising to between 5 and 9 feet below grade surface, if it is allowed to stabilize. A Phase 1 report issued by Lowney Associates, identified leaking underground storage tanks in the project vicinity. In addition, it has been established that shallow groundwater at the site has been affected by release of petroleum compounds. Although the shallow groundwater table and mitigation alternatives were identified in the draft EIR, it is imperative that dewatering, storage, treatment, and disposal or discharge of groundwater follow all anti-degradation measures as outlined by the District and other regulatory agencies.

5

Reference is made to a permit issued by the District to discharge dewatered groundwater to the sanitary sewer system. The District does not issue permits for discharge of groundwater to the sanitary system.

6

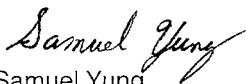
Chapter IV, Section F.2.c, Page 138

The report correctly identifies that much of the project site is located within the 100-year flood hazard zone, and that implementation of the proposed project may increase localized flooding problems. Site grades must be designed to allow for the passage and storage of flood water within the site. A flood plain analysis should be prepared to delineate the postdevelopment flood plain depth and lateral extent.

7

If you have any questions or comments, you can contact me at (408) 265-2607, extension 3174, or at syung@valleywater.org.

Sincerely,



Samuel Yung
Associate Engineer
Community Projects Review Unit

cc: S. Tippetts, S. Yung, T. Hipol, M. Klemencic, H. Barrientos, B. Ahmadi, File (2)
eh:lm
1124c-pl.doc

LETTER A4

Santa Clara Valley Water District
November 24, 2004

- A4-1: A reduction in impervious surface is not necessary to mitigate any significant impacts. Mitigation Measure HYD-1(b) requires the implementation of post-construction BMPs which may include minimizing the total amount of impervious surface.
- A4-2: The commentor requests clarification of the improvements proposed in the project area under the Midtown Milpitas Specific Plan. Those improvements were evaluated in a previous environmental review and are not part of the current project. City staff expects these improvements to ameliorate storm drainage capacity in the project vicinity once implemented, but nuisance flooding is expected to persist in the project vicinity due to upstream capacity issues. Mitigation Measure HYD-2 requires demonstration that proposed drainage plans would not exceed the capacity of project area drainage facilities.
- A4-3: The commentor requests clarification as to creek overtopping mentioned in the Draft EIR. In response to this comment, the following text change is made to page 130:
- During a 100-year flood, ~~creeks~~ Ford Creek, located east of the site, would overtop banks and spill toward Lower Penitencia Creek before being blocked by floodwalls.
- A4-4: Comment noted.
- A4-5: The commentor states that if dewatering is to occur the contaminated groundwater must be properly stored, treated, and disposed or discharged in accordance with SCVWD and other regulatory requirements. Mitigation HAZ-1 of the Draft EIR requires that a Risk Management Plan (RMP) be prepared for project construction, which would include procedures for managing dewatered groundwater (if any) to ensure that it is stored, managed, and disposed of in accordance with applicable regulations and permits.
- A4-6: The commentor points out that SCVWD does not issue groundwater discharge permits for the sanitary sewer system in the City of Milpitas. In response to the comment, the following text change is made to page 134:
- . . . discharge of the dewatered groundwater would require a permit from ~~SCVWD, the Joint Treatment Plant~~ (for discharge to the sanitary sewer system), or RWQCB (for discharge to the storm sewer system).

A4-7: The commentor expresses concern that project development could potentially affect the floodplain depth and lateral extent. In response to this comment, a text change has been made to Mitigation Measure HYD-2 on page 138:

As a condition of approval of the final grading and drainage plans for each element of the NMSD Project, it must be demonstrated that implementation of the proposed drainage plans would not exceed the capacity of project area drainage facilities and the project will conform to FEMA requirements for development in floodplains.



Terry Tamminen
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

November 30, 2004

Mr. Dennis Carrington
City of Milpitas
455 E Calaveras Boulevard
Milpitas, California 95035

Dear Mr. Carrington:

NORTH MAIN STREET DEVELOPMENT PROJECT, MILPITAS, SANTA CLARA
COUNTY, DRAFT ENVIRONMENTAL IMPACT REPORT, SCH #2004082131

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the North Main Street Development Project. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project pursuant to the California Environmental Quality Act (CEQA) adequately addresses any remediation activities which may be required to address any hazardous substances release.

The Project includes the following five individual projects: City of Milpitas Community Library Project; Mid-Peninsula Housing Coalition Senior Housing Project; Santa Clara County Valley Health Center Project; Retail, Banquet and Meeting Space; and Parking, Streetscape and Circulation Improvements. Three separate site assessments were conducted in the Project area for the: 1) library complex site; 2) eastern parking structure site and retail development site; and 3) senior housing, health center and western parking sites. The site assessment reports were not included in the Draft EIR. Based on the information provided in the Draft EIR, DTSC provides the following comments:

1. Library. The Draft EIR indicates that Phase I and II site assessments were conducted for the proposed library complex site. The Phase I site assessment identified residual contamination from former underground storage tanks (USTs) and contamination migrating from the adjoining Milpitas Transmission site as potential areas of concern. The Phase II site assessment found petroleum hydrocarbons, petroleum-related volatile organic compounds and lead in soil ; groundwater in the library complex site. The Draft EIR states that the Phase II

Mr. Dennis Carrington
November 30, 2002
Page 2 of 4

site assessment report concluded that there was no indication of significant contamination that might require special handling during construction. However, the report recommended that a soil management plan and site safety plan be prepared for construction activities. Please identify how the determination was made that the contamination is not significant and clarify the need for preparing these plans if no significant contamination exists at this site. Since volatile organic compounds were found, the potential risk to future users of the library complex from intrusion of vapors from soil and groundwater should be evaluated.

1
cont.

2. Eastern Parking and Retail Site. Site investigation at the former blacksmith and auto body shops and near the parts cleaning sink at the transmission repair shop found petroleum hydrocarbons, polynuclear aromatic hydrocarbons, solvents and metals in soil and groundwater. The site investigation report concluded that no contamination is known to be present in excess of established screening levels for commercial properties with the exception of releases from the transmission repair shop site. Please identify the detected contaminant concentrations and the screening levels used in this assessment. The potential risk to future users of the retail spaces from intrusion of solvent vapors from soil and groundwater should also be evaluated and the results discussed in the EIR.

2

A mitigation measure identified for sites with hazardous substance contamination includes preparation of a Risk Management Plan to ensure that health and safety measures required for future construction at the project area shall be enforced in perpetuity. The inclusion of this mitigation measure indicates that contaminants will remain onsite after the development. Contaminants may remain onsite for properties that will be used for commercial or industrial purposes provided that adequate measures are implemented to ensure human exposure to contaminants is prevented. These measures would include preparation and recording of a land use covenant with the County Recorder's Office. The land use covenant should include provisions to ensure that the property is not developed for residential or other sensitive land uses, to require that any disturbance of contaminated soil be done in accordance with the Risk Management Plan, and to restrict groundwater use.

3

Since releases of hazardous substances have occurred in the Project area and remediation may be necessary, impacts associated with remediation should be addressed in the CEQA document. If the remediation activities include the need for contaminated soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3)

4

Mr. Dennis Carrington
November 30, 2004
Page 3 of 4

transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident during the cleanup.

4
cont.

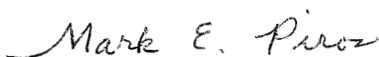
3. Senior Housing, Health Center and Western Parking Site. The Phase I site assessment recommended testing for agricultural chemical residues in shallow soils because these sites were used for orchards from at least 1939 through around 1965. The mitigation measure includes an environmental investigation in accordance with DTSC's Interim Guidance for Sampling Former Agricultural Fields for School Sites (DTSC, August 26, 2002). Please note that Section 2.0 of this guidance discusses where the guidance does and does not apply. The guidance is specific to agricultural land where pesticides and/or fertilizers were presumably applied uniformly for agricultural purposes consistent with normal application practices. The guidance is not applicable to agricultural land adjacent to structures, areas treated differently from an agricultural field such as fence lines, canals, berms, and pesticide mixing and loading areas, and areas that have been graded for construction. The areas where the guidance does not apply require biased, discrete sampling as opposed to the sampling for agricultural fields discussed in the guidance.

5

DTSC can assist your agency in overseeing investigation/characterization and remediation activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Remedios Sunga at (510) 540-3840 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,



Mark E. Piros, P.E.
Unit Chief
Northern California
Coastal Cleanup Operations Branch

Enclosure

cc: See next page

Mr. Dennis Carrington
November 30, 2002
Page 4 of 4

cc: without enclosures

Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95814-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

LETTER A5

Department of Toxic Substances Control
November 30, 2004

- A5-1: The commentor requests clarification regarding findings of the Phase I and Phase II investigations of the proposed Library site and the mitigation measure in the DEIR requiring a Soil Management Plan. The Phase II report cited in the DEIR³ compared analytical results at the Library complex site to naturally-occurring (background) concentrations of metals in soils and Environmental Screening Levels (ESLs) established by the San Francisco Bay Regional Water Quality Control Board (RWQCB).⁴ ESLs are conservative human health and ecological risk-based concentrations developed for use in screening analytical data. Exceedance of ESLs does not necessarily mean that the site may pose a health or ecological risk, but may indicate that additional investigation and/or remediation of a site is warranted. None of the soil or groundwater analytical results exceeded ESLs for commercial/industrial land uses for any exposure pathway, including intrusion of vapors into indoor air, and therefore the Phase II report concluded that additional investigation was not warranted. However, the Phase II concluded that there was a potential for additional contamination to be encountered during project development, based on historical industrial and commercial land uses at the project site, and recommended that a Soil Management Plan be prepared for the project. Mitigation HAZ-1 incorporates this recommendation for a Soil Management Plan, including a construction health and safety plan, to address contamination that may potentially be encountered during project development.
- A5-2: The commentor requests additional information regarding screening levels and contaminant concentrations at the Eastern Parking and Retail site. The Phase II report cited in the DEIR⁵ compared analytical results at the Library complex site to naturally-occurring (background) concentrations of metals in soils and ESLs. Please refer to Response to Comment 1, above, for a description and discussion of ESLs. As described in the DEIR, soil and groundwater samples contained concentrations of petroleum compounds, polynuclear aromatic hydrocarbons (PAHs), acetone, and metals above laboratory reporting limits; none of these concentrations exceed commercial/industrial ESLs. Solvent contamination from the Milpitas Transmission shop, which remains under regulatory oversight for investigation and remediation, appears to be limited to the transmission shop site near the eastern boundary of the project site, based on environmental investigation reports.⁶ As no retail space is

³ Treadwell & Rollo, 2004, Phase I and Limited Phase II Environmental Site Assessment, 160 North Main Street, Milpitas, California, August 18.

⁴ San Francisco Regional Water Quality Control Board (RWQCB), 2003, Screening For Environmental Concerns At Sites With Contaminated Soil and Groundwater, July, Interim Final.

⁵ Lowney Associates, 2004, Soil and Groundwater Quality Evaluation, Milpitas Library Expansion Parcels, Milpitas, California, Draft, August 31.

⁶ Hoexter Consulting, 2004, Initial Plume Definition for Milpitas Transmission, 130 Winsor Street, Milpitas, California, February 13.

proposed for the area of affected soil or groundwater, no risk from indoor air to future retail users would be expected.

- A5-3: The commentor states that adequate measures, including preparation and recording of a land use covenant, should be implemented at the Eastern Parking and Retail site to ensure that human exposure to residual contamination is prevented.

In response to this comment, the following text change has been made to Mitigation Measure HAZ-1 on page 147:

...The RMP shall also include an Operations and Maintenance Plan component, to ensure that health and safety measures required for future construction and maintenance at the project site shall be enforced in perpetuity. Any change in use would prompt a new CEQA process which will reveal all such contamination and ensure that human exposure to residual contamination is prevented.

- A5-4: The commentor states that impacts associated with soil excavation or other remedial activities that may be required during development of the project should be evaluated in the EIR, including impacts associated with excavation activities, transportation of contaminated material, and risk of upset in case of an accident during cleanup activities. These impacts were evaluated under Impacts HAZ-1 and HAZ-3, and elements of the RMP (Mitigation Measure HAZ-1) were intended to address potential health and safety impacts of known contamination and previously undiscovered contamination, that could be encountered based on historic land uses at the project site. Requirements of the RMP include emergency response procedures in case of spill or other emergency situation. The specifications of the RMP were designed to ensure that any excavated soils and/or dewatered groundwater with contaminants from the project site are stored, managed, and disposed of in accordance with applicable regulations and permits. This mitigation measure would reduce this impact to a less-than-significant level.
- A5-5: The commentor points out that the DTSC Interim Guidance for Sampling Former Agricultural Fields for School Sites (Interim Guidance), cited in Mitigation Measure HAZ-4, applies only to former agricultural fields, and not to fence lines, canals, berms, pesticide mixing and loading areas, and areas that have been graded for construction. During the period that part of the project site was used for orchards, no fence lines, canals, berms, or graded areas were noted in the Phase I review of historical land use records.⁷ Structures near the orchards included two residences, a well house, and a garage. Therefore, no areas that would require discrete sampling under the Interim Guidance were apparent.

⁷ Baseline Environmental Consulting, 2004, Phase I Site Assessment, Senior Center, County Health Facility, and Parking Structure Sites, North Main Street, Milpitas, California, October.

B. ORGANIZATIONS

Pacific Gas and Electric Company

111 Almaden Boulevard
P.O. Box 16005
San Jose, CA 95111-0005

November 24, 2004



City of Milpitas
455 E. Calaveras Bl.
Milpitas, CA 95035
Attn: Dennis Carrington
Fax #: 408-586-3293

RE: Review of Draft Environmental Impact Report (EIR)
North Main Street Development Project
Loc: Weller Lane to the north, UPTR to the east, Carlo Street to the south in Milpitas
Report dated: October 2004
SCH: 2003092020
PG&E file: 40322924-y04-MR-193

Dear Sir / Madam,

Thank you for the opportunity to review the Draft Environmental Impact Report, for the above project. PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

Pacific Gas and Electric Company

111 Almaden Boulevard
P.O. Box 15005
San Jose, CA 95115-0005



Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

1
cont.

We would also like to note that continued development consistent with City's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

2

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

We also encourage the Planning Office of the City to include information about the issue of electric and magnetic fields (EMF) in environmental documents. It is PG&E's policy to share information and educate people about the issue of EMF.

Electric and Magnetic Fields (EMF) exist wherever there is electricity--in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call your local PG&E office. A package of information which includes materials from the California Department of Health Services and other groups will be sent to you upon your request.

3

Pacific Gas and Electric Company

111 Almaden Boulevard
P.O. Box 15005
San Jose, CA 95115-0005



PG&E remains committed to working with City to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Should you require any additional information or have any questions, please call me at (408) 282-7401.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alfred Poon".

Alfred Poon

Land Agent

South Coast Area, San Jose

COMMENTOR B1

Pacific Gas and Electric Company November 24, 2004

- B1-1: This comment does not address the adequacy of the EIR. The City and the individual project developers will coordinate with PG&E and during the design development phase of each project to determine what specific facility upgrades may be necessary.
- B1-2: The commentor notes that relocation of PG&E's electric transmission and substation facilities could require formal approval from the CPUC. This comment is noted. No relocation of electric transmission or substation facilities are proposed at this time other than those affected by the Underground Utility District and related utility project.
- B1-3: The City and individual project developers will consult with PG&E during the design development phase of each project to determine if any improvements to PG&E facilities will be necessary. The Midtown Milpitas Specific Plan EIR considers cumulative impacts to utilities that could occur under buildout of the Specific Plan. To the extent that facility upgrades would be required in the Midtown area, and would be limited to existing parcels where development is already anticipated, the environmental impacts of these future improvements were addressed in the Midtown Draft EIR. PG&E has not identified any specific improvements that would be required outside of the Midtown area. Because an exact upgrade has not been identified and the City of Milpitas is not responsible for such upgrades, analyzing the potential environmental effects of such an upgrade would be speculative at this juncture. PG&E will continue to be responsible for the implementation of facility upgrades and the analysis of the potential environmental effects associated with any upgrade.

IV. DRAFT EIR REVISIONS

This chapter presents specific revisions to the text of the Draft EIR that are being made in response to comments, or to amplify and clarify material in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Deletions to text in the Draft EIR are shown with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR. None of the changes or clarifications present in this chapter significantly alters the conclusions or findings of the Draft EIR.

Page 6 is revised as follows:

- Transportation, Circulation and Parking.** The addition of traffic from the proposed project under Cumulative Conditions would significantly exacerbate AM peak hour operations on ~~four~~ five and PM peak hour on eight of the study roadway segments that are projected to operate at unacceptable levels under General Plan Build plus Midtown Milpitas Specific Plan Conditions, including the following:

Page 36, Table III -1, is revised as follows:

Table III-1: North Main Street Development Project Components

Project Component	Existing Use and APN	Total Square Footage	Floor Area Square Footage	Number of Stories	Maximum <u>Approx.</u> Height (Feet)	Hours of Operation
Library Complex	Historic Grammar School 28-24-019	60,000	Old Building: 16,000	1	30	16/7
			New Building: 44,000	2	40	12/7
Senior Housing Complex	DeVries House 22-08-041	New Building 106,700	Units: 105,000 Lobby: 1,700 Parking: 19,300	4	60	24/7
		DeVries 5,600	5,600	2	25	24/7
County Health Facility <i>20,000 sq. ft. footprint</i>	Vacant Parcel 22-08-042	60,000		3	60	12/6
Proposed Retail, Banquet and Meeting Space in Parking Structures		60,000 <u>50,000</u>	Retail Space: approx. 25,000 Banquet and Meeting Space: approx. 25,000	N/A	N/A	16/7
Eastern Parking Structure adjacent to Library <i>60,000 sq. ft. footprint</i>	Winsor Property; Milpitas Trans./ Jerry's autobody; blacksmith shop , bungalow 28-24-014, -015, -016, -020, -026, 28-24-025	180,000	Parking: 167,500 (325 parking spaces)	3	35	16/7
Western Parking Structure adjacent to Calaveras Boulevard	Vacant parcel next to Calaveras 22-08-003	200,000	163,000 (475 parking spaces)	6	90	16/7

Source: City of Milpitas, 2004.

Page 40 is revised as follows:

a. Water Service. The City of Milpitas receives potable water from the San Francisco Water Department and from the Santa Clara Valley Water District and distributes water through a City water distribution system. The source of wholesale water for the project site is Santa Clara Valley Water District. Non-potable water comes from San Jose Santa Clara Joint Water Pollution Control Plant. Individual projects will be required to design and install water services necessary to serve the project. Existing connections to water lines would be expanded if necessary.

b. Wastewater. Wastewater generated on-site would be conveyed to the San Jose/Santa Clara Pollution Control Plant through a system of sanitary sewer lines, sewer pump stations, and sewer mains that are operated and maintained by the City of Milpitas. New connections would be provided to areas not currently served, and existing connection would be expanded if necessary. Individual projects will be required to purchase adequate public system sewage capacities and install pretreatment devices in accordance to water pollution control plan requirements.

c. Other Utilities. Other utilities that would be provided to the project site include telephone service, gas and electrical service, solid waste service, and cable service.

Page 41, Table III-2, is revised as follows:

Table III-2: Required Permits and Approvals

Lead Agency	Permit/Approval
City of Milpitas	<ul style="list-style-type: none"> • Development Plan and Architectural Review • Building permits for the library, senior housing, parking structures and retail space • Site and architectural review • Use permit for deviation from Development Standards • Density bonus for Senior Housing Project • Approval of wastewater hookups
Responsible Agencies	
County of Santa Clara	<ul style="list-style-type: none"> • Approval of health center • Building permits for the health center
Milpitas Redevelopment Agency	<ul style="list-style-type: none"> • Disposition and Development Agreements
Other Agencies	
Union Pacific Railroad	<ul style="list-style-type: none"> • Permit, as necessary, for work within an area of influence and maintenance and access
California Regional Water Quality Control Board (RWQCB)	<ul style="list-style-type: none"> • National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge
<u>San Jose/Santa Clara Water Pollution Control Plant</u>	<ul style="list-style-type: none"> • <u>Approval of commercial sewage discharge pretreatment devices</u>
<u>Federal Emergency Management Agency</u>	<ul style="list-style-type: none"> • <u>Floodplain Map Revision</u>
<u>SBC</u>	<ul style="list-style-type: none"> • <u>Phone Service Connection</u>
<u>PG&E</u>	<ul style="list-style-type: none"> • <u>Gas and Electrical Connection</u>
<u>Comcast</u>	<ul style="list-style-type: none"> • <u>Cable Connection</u>

Source: City of Milpitas, 2004.

Page 83, Table IV.C-10, is revised as follows:

Table IV.C-10: Mitigation Measures and LOS under Baseline Plus Project Conditions

Num.	Intersection	Required Mitigation	Peak Hour	Unmitigated		Mitigated		Impact Fully Mitigated?
				Delay	LOS	Delay	LOS	
1	Able Abel St./Marylinn Dr.	Add a separate northbound right-turn lane and implement overlap phase for the westbound right-turn lane	PM	61.6	E	50.9	D	Yes
2	Main St./Calaveras Blvd. Off-Ramp	Investigate a traffic signal installation and addition of a separate southbound left-turn lane	PM	228.5	F	28.8	C	Yes
3	South Main St./Carlo Street/Calaveras Blvd. On-Ramp	Investigate a traffic signal installation	PM	75.1	F	25.1	C	Yes

Page 84 is revised as follows:

Development under the proposed NMSD Project would degrade the projected acceptable PM peak operating conditions at ~~Able~~ Abel Street/Marylinn Drive. This intersection would operate at LOS D under baseline conditions and would degrade to LOS E with the proposed project.

Page 95, Mitigation Measure TRANS-4, is revised as follows:

Mitigation Measure TRANS-4: . . . No mitigation measures beyond those identified in Mitigation Measures TRANS-1 through TRANS-3 are considered feasible for any of the cumulatively impacted roadway segments; however, historically the City has required development to pay its pro-rata share of improvement cost toward improvement on a project by project basis. All of those segments projected to operate at unacceptable levels under General Plan Buildout plus Midtown Milpitas Specific Plan Conditions would do so because no feasible mitigation measure can be implemented to increase roadway ~~vehicle~~ capacity. All of those roadways are already built out and cannot be widened within the existing right-of-way. The secondary impacts of widening these roadways, which include right-of-way acquisition and demolition of existing buildings, are expected to result in a greater negative impact on the environment than accommodating the additional congestion. This impact is considered significant and unavoidable. (SU)

Page 112, Mitigation Measure AIR-2, is revised as follows:

Mitigation Measure AIR-2: The *BAAQMD CEQA Guidelines* document identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project:

- Provide neighborhood-serving shops and services within or adjacent to residential development.

- Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters).
- Provide shuttle service to regional transit system or multimodal center.
- Provide shuttle service to major destinations such as employment centers, shopping centers and schools.
- Provide bicycle lanes and/or paths, connected to community-wide network.
- Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.
- Provide satellite telecommunication centers in large residential developments.
- Provide secure and conveniently located bicycle and storage for residents.
- Wire each senior housing unit to allow use of emerging electronic communication technology.
- Implement feasible TDM measures including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.

Implementation of the above mitigation measures ~~could~~ would potentially reduce the regional vehicle emissions by up to 10 percent, ~~but some of the measures may not be appropriate and/or feasible.~~ Additionally, However, it is anticipated that the NO_x emissions would continue to exceed the BAAQMD's threshold. Therefore, the project's regional air quality impacts would remain significant. (SU)

Page 120, Table IV.E-6, is revised as shown on page 32 following:

Page 122, Mitigation Measure NOISE-1, is revised as follows:

Mitigation Measure NOISE-1: The following measures shall be implemented during construction of each of the proposed projects:

- (a) Standard construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. No construction activities that exceed City standards shall be allowed on federal holidays.

Page 126, Table IV.E-7, is revised as shown on page 33 following:

Table IV.E-6: Existing Traffic Noise Levels

Roadway Segment	ADT	Centerline to 70 L _{dn} (Feet)	Centerline to 65 L _{dn} (Feet)	Centerline to 60 L _{dn} (Feet)	L _{dn} (dBA) 50 Feet from Outermost Lane
Abel Street					
North of Milpitas Blvd.	16,230	< 50 ^a	97	206	67.4
Between Milpitas Blvd. and Redwood Ave.	19,330	< 50	109	231	68.2
Between Redwood Ave. and Marylin Dr.	20,245	54	112	239	68.4
Between Marylin Dr. and Weller Ln.	16,610	< 50	99	209	67.5
Between Weller Ln. and Claveras Blvd.	16,990	< 50	100	213	67.6
Between Calaveras Blvd. and Serra Way	15,145	< 50	93	197	67.1
South of Serra Way	16,370	< 50	98	207	67.5
Main Street					
North of Weller Ln.	5,940	< 50	< 50	70	61.5
Between Weller Ln. and Claveras Blvd.	7,070	< 50	< 50	79	62.2
Between Calaveras Blvd. and Serra Way	12,230	< 50	53	113	64.6
South of Serra Way	10,750	< 50	< 50	104	64.1
Milpitas Boulevard					
North of Abel St.	27,920	66	138	295	69.8
Between Abel St. and Escuela Pkwy.	11,920	< 50	80	168	66.1
Between Escuela Pkwy. and Town Center Dr.	16,080	< 50	96	205	67.4
Between Town Center Dr. and Calaveras Blvd.	22,425	58	120	255	68.8
South of Calaveras	22,210	57	119	254	68.8
Weller Lane					
Between Abel Abel Street and Main Street	2,275	< 50	< 50	< 50	57.3
East of Main Street	110	< 50	< 50	< 50	44.2
Calaveras Boulevard					
West of Abbot Ave.	55,050	121	257	552	73.5
Between Abbot Ave. and Abel St.	46,505	109	230	494	72.7
Between Abel St. and Milpitas Blvd.	47,545	111	234	501	72.8
Between Milpitas Blvd. and Town Center Dr.	42,740	103	218	467	72.4
Between Town Center Dr. and Hillview Dr.	43,140	104	219	470	72.4
East of Hillview Dr.	46,180	109	229	492	72.7

Table IV.E-7: Baseline Traffic Noise Levels

	ADT	Baseline (2005)				ADT	Baseline Plus Project				
		Centerline to 70 L _{dn} (Feet)	Centerline to 65 L _{dn} (Feet)	Centerline to 60 L _{dn} (Feet)	L _{dn} (dBA) 50 Feet from Outermost Lane		Centerline to 70 L _{dn} (Feet)	Centerline to 65 L _{dn} (Feet)	Centerline to 60 L _{dn} (Feet)	L _{dn} (dBA) 50 Feet from Outermost Lane	Change From No Project Level (dBA)
Abel Street											
North of Milpitas Blvd.	16,230	< 50 ^a	97	206	67.4	17,580	< 50 ^a	102	217	67.8	0.4
Between Milpitas Blvd. and Redwood Ave.	19,330	< 50	109	231	68.2	22,410	58	120	255	68.8	0.6
Between Redwood Ave. and Marylin Dr.	20,245	54	112	239	68.4	23,330	59	123	262	69.0	0.6
Between Marylin Dr. and Weller Ln.	18,380	< 50	105	224	68.0	20,735	55	114	242	68.5	0.5
Between Weller Ln. and Claveras Blvd.	19,285	< 50	108	231	68.2	20,050	54	111	237	68.4	0.2
Between Calaveras Blvd. and Serra Way	15,465	< 50	94	200	67.2	15,465	< 50	94	200	67.2	0.0
South of Serra Way	16,550	< 50	98	209	67.5	17,220	< 50	101	214	67.7	0.2
Main Street											
North of Weller Ln.	7,850	< 50	< 50	84	62.7	9,300	< 50	< 50	94	63.4	0.7
Between Weller Ln. and Claveras Blvd.	8,865	< 50	< 50	92	63.2	11,960	< 50	52	112	64.5	1.3
Between Calaveras Blvd. and Serra Way	12,330	< 50	53	114	64.7	14,320	< 50	59	126	65.3	0.6
South of Serra Way	10,970	< 50	< 50	105	64.2	11,720	< 50	51	110	64.4	0.2
Milpitas Boulevard											
North of Abel St.	27,920	66	138	295	69.8	29,040	68	142	303	70.0	0.2
Between Abel St. and Escuela Pkwy.	11,920	< 50	80	168	66.1	12,530	< 50	82	174	66.3	0.2
Between Escuela Pkwy. and Town Center Dr.	16,455	< 50	98	208	67.5	17,065	< 50	100	213	67.7	0.2
Between Town Center Dr. and Calaveras Blvd.	23,285	59	123	262	69.0	23,920	60	125	267	69.1	0.1
South of Calaveras	22,490	58	120	256	68.9	23,220	59	122	261	69.0	0.1
Weller Lane											
Between Abel St. and Main Street	3,120	< 50	< 50	< 50	58.7	6,240	< 50	< 50	73	61.7	3.0
East of Main Street	120	< 50	< 50	< 50	44.5	1,720	< 50	< 50	< 50	56.1	11.6
Calaveras Boulevard											
West of Abbot Ave.	56,590	124	262	563	73.6	57,720	125	266	570	73.7	0.1
Between Abbot Ave. and Abel St.	48,825	112	238	510	72.9	49,670	114	240	516	73.0	0.1
Between Abel St. and Milpitas Blvd.	50,165	114	242	519	73.1	51,640	116	247	529	73.2	0.1
Between Milpitas Blvd. and Town Center Dr.	43,895	105	222	475	72.5	45,260	107	226	485	72.6	0.1
Between Town Center Dr. and Hillview Dr.	43,510	104	220	472	72.4	44,870	107	225	482	72.6	0.2
East of Hillview Dr.	46,960	110	232	497	72.8	48,320	112	236	507	72.9	0.1

Page 130 is revised as follows:

During a 100-year flood, ~~creaks~~ Ford Creek, located east of the site, would overtop banks and spill toward Lower Penitencia Creek before being blocked by floodwalls.

Page 134 is revised as follows:

... discharge of the dewatered groundwater would require a permit from ~~SCVWD~~, the Joint Treatment Plant (for discharge to the sanitary sewer system), or RWQCB (for discharge to the storm sewer system).

Page 138, Mitigation Measure HYD-2, is revised as follows:

As a condition of approval of the final grading and drainage plans for each element of the NMSD Project, it must be demonstrated that implementation of the proposed drainage plans would not exceed the capacity of project area drainage facilities and the project will conform to FEMA requirements for development in floodplains.

Page 147, Mitigation Measure HAZ-1, is revised as follows:

...The RMP shall also include an Operations and Maintenance Plan component, to ensure that health and safety measures required for future construction and maintenance at the project site shall be enforced in perpetuity. Any change in use would prompt a new CEQA process which will reveal all such contamination and ensure that human exposure to residual contamination is prevented.

Page 154 is revised as follows:

The original Milpitas Grammar School, at 160 North Main Street, was built in 1855. The school was destroyed by fire in 1912, and rebuilt at the same location in 1915~~6~~. Also destroyed in the fire were a carriage barn, behind the school, and a storage building, just south of the school.⁹ Since 1956, the school has served as a youth center dance hall, the police department, the public library, Chamber of Commerce, Milpitas City Hall, and a community center. From 1969 until 1983, the building served solely as the community center. Following the closure of the community center, the building was maintained as a senior center until 2000. A major renovation was done approximately 10 years ago remodeled the building and removed and altered much of the building's historic fabric (primarily interior).

Page 156 is revised as follows:

- *Milpitas Grammar School.* The Milpitas Grammar School, located at 160 North Main Street (APN 28-24-019), was constructed in 1915~~6~~. The building was designated a Cultural Resource in Milpitas because: 1) it is one of the only examples of neo-classical public architecture in

Milpitas; 2) it is the same site as Milpitas' first school house; and 3) it is the oldest surviving school in Milpitas.-

Page 166 is revised as follows:

Impact CULT-5: Implementation of each element of the NMSD Project construction could result in impacts to archaeological deposits that may qualify as historical or archaeological resources under CEQA. (S)

The project area is sensitive for prehistoric and historical archaeological deposits. Implementation of the following mitigation measure would reduce the potential impact to a less-than-significant level.

~~Mitigation Measure CULT 5: Any future ground disturbing activities on the project site shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA Guidelines Section 15064.5 regarding discovery of archeological sites and burial sites, and CEQA Guidelines Section 15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. Prior to construction monitoring, prefield research shall be conducted to understand the location, potential significance, and physical condition of deposits that may be encountered, and to facilitate the in-field assessment of such deposits. In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed and implemented. If archaeological data recovery is undertaken, a report describing the methods and results of the investigation shall be prepared and submitted to the project applicant, City, and the NWIC.~~

~~Project personnel shall not collect or move any archaeological material. Fill soils that may be used for construction shall not contain archaeological materials. (LTS)~~

Mitigation Measure CULT-5a: Prior to project construction, a qualified professional archaeologist shall prepare a monitoring plan to guide project ground disturbing construction to avoid impacts to potentially significant archaeological deposits. Preparing the monitoring plan may require subsurface examination to determine the presence, nature, extent, and potential significance of archaeological deposits that may be encountered by project activities. The monitoring plan should address the possibility that project construction may encounter prehistoric and historical archaeological deposits in the project area. At a minimum, the monitoring plan should include methods to: (1) refine the understanding of project area archaeological sensitivity; (2) determine the likelihood that such subsurface deposits have retained integrity; (3) identify the types of artifacts and features that may be encountered during project construction; and (4) provide guidelines for in-field assessment of archaeological deposits identified during monitoring. The plan should determine the appropriate level of archaeological construction monitoring necessary to avoid significant impacts to cultural resources, and provide guidance for the implementation of such monitoring.

Mitigation Measure CULT-5b: Archaeological construction monitoring shall be conducted as appropriate to fully implement the monitoring plan. Following the completion of archaeological monitoring, a report shall be prepared to document the methods, findings, and recommen-

datations of the monitoring archaeologist. The report shall be submitted to the City, the project applicant, and the NWIC.

Mitigation Measure CULT-5c: If deposits of prehistoric or historical materials are encountered during project activities after the completion of Mitigation Measure CULT-5b, all work within 50 feet should be halted until an archaeologist can evaluate the findings and make recommendations. Prehistoric materials can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, or quartzite tool making debris; midden (i.e., culturally darkened soil often containing heat affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment (e.g., mortars, pestles, handstones). Historical materials might include wood, stone, concrete, or adobe footings, walls and other structural remains; debris-filled wells or privies; and deposits of wood, metal, glass, ceramics, and other refuse.

Project personnel shall not collect or move any archaeological or paleontological material. Fill soils that may be used for construction shall not contain archaeological or paleontological materials.

Following the archaeologist's evaluation, a report should be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the City, the project applicant, and the NWIC. (LTS)

Page 167 is revised as follows:

Mitigation Measure CULT-7b: If substantial project subsurface ~~construction~~-excavation occurs at depths greater than 20 feet below the ground surface, then the following mitigation measure shall be implemented. A paleontological assessment by a qualified paleontologist should be conducted to determine if monitoring for paleontological resources is required. The assessment shall include: (1) the results of any geotechnical investigation done for the project area; (2) specific details of the construction plans for the project area; (3) background research; and (4) limited subsurface investigation within the project area. If the possibility of paleontological resources is confirmed, a monitoring plan should be prepared and implemented in conjunction with this evaluation. Upon completion of the paleontological assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City and the project applicant.

Page 176 is revised as follows:

Mitigation Measure AES-1: Outdoor lighting shall be designed to minimize glare and spillover onto surrounding properties. The proposed project shall incorporate non-mirrored glass or use other glare-reduction techniques to minimize daytime glare. (LTS)

Page 186 is revised as follows:

- **Transportation, Circulation and Parking.** The addition of traffic from the proposed project under Cumulative Conditions would significantly exacerbate AM peak hour operations on ~~four~~ five and PM peak hour on eight of the study roadway segments that are projected to operate at unacceptable levels under General Plan Build plus Midtown Milpitas Specific Plan Conditions, including the following:
 1. Calaveras Boulevard Westbound – Abel Avenue to Milpitas Boulevard (AM Peak Hour)
 2. Calaveras Boulevard Westbound – Milpitas Boulevard to Hillview Drive (AM Peak Hour)
 - ~~23.~~ Calaveras Boulevard Westbound – Hillview Drive to I-680(AM Peak Hour)
 - ~~34.~~ Abel Street Southbound – North Milpitas Boulevard to Calaveras Boulevard (AM Peak Hour)
 - ~~45.~~ Main Street Northbound – Curtis Avenue to Carlo Street (AM Peak Hour)
 - ~~56.~~ Calaveras Boulevard Eastbound – I-880 to Abbott Avenue (PM Peak Hour)
 - ~~67.~~ Calaveras Boulevard Eastbound – Abbott Avenue to Abel Avenue (PM Peak Hour)
 - ~~78.~~ Calaveras Boulevard Eastbound – Abel Avenue to Milpitas Avenue (PM Peak Hour)
 - ~~89.~~ Calaveras Boulevard Eastbound – Milpitas Ave to Hillview Drive (PM Peak Hour)
 - ~~910.~~ Calaveras Boulevard Eastbound – Hillview Drive to I -680 (PM Peak Hour)
 - ~~4011.~~ Abel Street Northbound – North Milpitas Boulevard to Calaveras Boulevard (PM Peak Hour)
 - ~~4412.~~ Main Street Northbound – Montague Expressway to Abel Street (PM Peak Hour)
 - ~~4213.~~ Main Street Northbound – Curtis Avenue to Carlo Street (PM Peak Hour)

